

SCHEDULE 1: SPECIFICATION & MONITORING

16 to 19 EDUCATION SPECIFICATION

Definitions

<p>“16 to 19 Education Financial Support for Students Advice”</p>	<p>Means</p> <p>https://www.gov.uk/guidance/16-to-19-education-financial-support-for-students</p>
<p>“16 to 19 Education: Funding Allocations Supporting Documents”</p>	<p>Means</p> <p>https://www.gov.uk/guidance/16-to-19-education-funding-allocations</p> <p>https://www.gov.uk/government/publications/16-to-19-funding-allocations-supporting-documents-for-2019-to-2020</p>
<p>“16 to 19 Education: Funding Guidance”</p>	<p>Means</p> <p>https://www.gov.uk/guidance/16-to-19-education-funding-guidance</p>
<p>“16 to 19 Student Support Funding Guidance”</p>	<p>Means</p> <p>https://www.gov.uk/guidance/16-to-19-bursary-fund-guide-2019-to-2020-academic-year</p> <p>https://www.gov.uk/guidance/16-to-19-funding-free-meals-in-further-education-funded-institutions-for-2019-to-2020</p> <p>https://www.gov.uk/guidance/16-to-18-residential-bursary-fund-guide-2019-to-2020-academic-year--2</p> <p>https://www.gov.uk/guidance/16-to-18-residential-support-scheme-for-academic-year-2019-to-2020</p>
<p>“Basic Maths Pilot Funding Guidance”</p>	<p>Means</p> <p>https://www.gov.uk/guidance/post-16-basic-maths-premium-pilot</p>
<p>“Basic Maths Pilot”</p>	<p>Means a pilot project running in selected areas to assess the effectiveness of different funding approaches in improving basic maths outcomes.</p>
<p>“Capacity and Delivery Funding”</p>	<p>Means specific funding provided to post-16 providers to build capacity and capability to deliver substantive T Level-style placements ahead of the roll-out of T Levels.</p>

“Education, Care and Health Plan”	Means a support plan as defined in section 37(2) of the Children and Families Act 2014
“Funding Rates and Formula Guidance”	Means https://www.gov.uk/government/publications/funding-rates-and-formula
“Funding Regulations”	Means Funding Guidance for Young People 2019 to 2020 https://www.gov.uk/government/publications/advice-funding-regulations-for-post-16-provision
“Guidance for Completing the Industry Placement Capacity and Delivery Fund (CDF) Monitoring Form”	Means https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723525/Guidance_on_completing_the_industry_placement_capacity_and_delivery_fund_CDF_monitoring_form.pdf
“High Needs Funding Guidance”	Means https://www.gov.uk/government/publications/high-needs-funding-arrangements-2019-to-2020
“How T-Levels Will be Funded in 2020 to 2021”	Means https://www.gov.uk/guidance/how-t-levels-will-be-funded-in-academic-year-2020-to-2021
“Industry Placement Guidance”	Means Capacity and Delivery Fund (‘CDF’) guidance for those not in receipt of CDF in 2018-2019 https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-2019-to-2020-for-providers-not-in-receipt-of-cdf-in-2018-to-2019-academic-year Capacity Development Fund guidance for those in receipt of Capacity & Delivery Funding in 2018-2019 https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020

“Maths and English Conditions of Funding Guidance” and “Conditions of Funding”	Means https://www.gov.uk/guidance/16-to-19-funding-maths-and-english-condition-of-funding
“PE and Sport Premium”	Means https://www.gov.uk/guidance/pe-and-sport-premium-for-primary-schools
“Qualifications”	Means the ESFA List of Qualifications approved for funding 14-19 https://section96.education.gov.uk/
“Qualifying Learner”	Means a Learner enrolled on a full-time level 2 or level 3 vocational and technical programme as set out in the current Capacity and Delivery Fund guidance at https://www.gov.uk/guidance/industry-placements-capacity-and-delivery-fund-cdf-for-academic-year-2019-to-2020
“SEND Code of Practice”	Means https://www.gov.uk/government/publications/send-code-of-practice-0-to-25
“Student Bursary Support Service (SBSS)”	Means https://studentbursary.education.gov.uk/w/webpage/student-bursary
“Study Programme”	Means a Learning Programme designed for an individual Learner aimed at supporting their development and progression in line with their aspirations for sustainable paid work, further or higher education, an apprenticeship or a traineeship. https://www.gov.uk/government/publications/16-to-19-study-programmes-guide-for-providers/16-to-19-study-programmes-guidance-2019-to-2020-academic-year
“Sub-Contracting Controls”	Means https://www.gov.uk/government/publications/funding-guidance-for-young-people-sub-contracting-controls

<p>“Teachers’ Pay Grant April 2019 to March 2020: Conditions of Grant”</p>	<p>Means</p> <p>https://www.gov.uk/government/publications/teachers-pay-grant-allocations-for-2019-to-2020-financial-year/teachers-pay-grant-april-2019-to-march-2020-conditions-of-grant</p>
<p>“Teachers’ Pension Scheme Increased Employer Contributions”</p>	<p>Means</p> <p>https://www.gov.uk/government/publications/teachers-pension-scheme-employer-contribution-grant-further-education-providers/teachers-pension-scheme-employer-contribution-grant-further-education-providers</p>
<p>“Traineeships Funding Guidance”</p>	<p>Means</p> <p>https://www.gov.uk/delivering-traineeships-through-efa-funding</p>
<p>“Universal Infant Free School Meals: Conditions of Grant 2019 to 2020”</p>	<p>Means</p> <p>https://www.gov.uk/government/publications/universal-infant-free-school-meals-uifsm-2019-to-2020/universal-infant-free-school-meals-uifsm-conditions-of-grant-2019-to-2020</p>

Summary of Services

1. The Services are the delivery of Study Programmes and support for High Needs Learners aged 16 to 18.
2. The High Needs element of the funding system supports provision for children and young people with special educational needs and disabilities (SEND) from their early years until they reach the age of 25, enabling both local authorities and institutions to meet their statutory duties under the [Children and Families Act 2014](#).
3. The funding for the supply of these Services in respect of High Needs Learners by the Provider is provided by both the Department and the local authority which is responsible for meeting the Learner’s needs.
4. For High Needs Learners, the Department will pay the Provider £10,000 per annum for each place allocated based on the October 2018 School Census data.
5. Top-up funding (Element 3) is funding the local authority and the Provider agree is required above the place funding detailed at 3 above for each Learner to meet the total cost of education provision required by a High Needs Learner as assessed by the commissioning local authority. A separate agreement will be entered into by the local authority and the

Provider, where appropriate, to specify the terms and conditions governing any top-up (Element 3) funding paid by the local authority to the Provider.

6. The legal basis for these Services is Section 14 Education Act 2002.
7. The documents listed in the Definitions of this Schedule are those documents produced by the Department which constitute the Funding Rules for these Services.

Services Commencement and Duration

8. 16 to 19 Education Services Start Date: 1st August 2019
9. 16 to 19 Education Services Expiry Date: 31st October 2020 (for reconciliation)

Service Requirements

Recruitment

10. The Provider shall recruit eligible High Needs Learners onto these Services from the Services Start Date. New High Needs Learners must not be recruited after 31st July 2020.
11. The recruitment must comply with the Funding Regulations.
12. All Learners must be enrolled on a Study Programme.
13. 16 to 19 Education covers the following groups of young people who are High Needs Learners aged 16 to 18.

Outputs

16 to 19 Education Delivery

14. The Provider will deliver an eligible Study Programme as set out in the Funding Regulations for the Funding Year.
15. The Provider will take steps to ensure as many High Needs Learners as possible achieve their Study Programmes. The Department will monitor the achievement rate as part of an overall risk assessment.
16. The Provider will take steps to ensure they spend the allocated funding in the Funding Year.
17. The Provider will maintain evidence of the delivery of the Services as set out in the Funding Regulations.

18. The Provider will deliver traineeships to the requirements set out in the Traineeships Funding Guidance.
19. As set out in the Maths & English Condition of Funding Guidance, the Provider must ensure High Needs Learners study maths and/or English as part of their Study Programme in each academic year where the High Needs Learners are:
 - a. aged 16 to 18 who do not hold a GCSE grade 9 to 4, A* to C (a standard pass grade) or an equivalent qualification in these subjects; and
 - b. doing a programme of 150 hours or more, which started on or after 1 August 2014.
20. Where the Provider is engaged in the Basic Maths Pilot, the Provider must comply with the requirements set out in the Basic Maths Pilot Funding Guidance.
21. The Provider will support eligible High Needs Learners to take part in their Study Programme through the provision of bursary funding, including for free meals and accommodation as set out in the 16 to 19 Student Support Funding Guidance and 16 to 19 Education Financial Support for Students Advice.
 - a. 16 to 19 Bursary Fund – provision of financial support to help Learners overcome specific barriers to participation so they can remain in education. This can be either through the bursary for defined vulnerable groups or through the discretionary bursary;
 - b. Free meals in further education – the provision of free meals to eligible Learners;
 - c. Residential Bursary Fund – provision of support towards accommodation costs for eligible Learners participating in a designated specialist subject area, e.g. land-based Study Programmes, which it is too far to travel to each day; and
 - d. Residential Support Scheme – provision of support towards accommodation costs for eligible Learners who cannot access the same or similar substantial Level 2 or Level 3 Qualification within a reasonable daily travelling distance.
22. Where the financial support is for a bursary for an eligible High Needs Learner in a defined vulnerable group, the Provider must access such support for the eligible Learner from the Student Bursary Support Service (SBSS), as set out in the 16 to 19 Student Support Guidance and 16 to 19 Education Financial Support for Students Advice.
23. The Provider will support eligible High Needs Learners via High Needs Funding as set out in the High Needs Funding Guidance and SEND Code of Practice. This supports Services for Learners with special educational needs and disabilities (SEND) until they turn 19.

24. The Provider will support eligible High Needs Learners to complete an Industry Placement, as set out in the Industry Placement Guidance.
25. Where the Provider is engaged in the delivery of the Early Adopter Development Fund Pilot, the Provider must comply with the requirements set out in How T Levels Are Funded in 2019 to 2020.
26. Where the Provider is in receipt of Universal Infant Free School Meals, the Provider must comply with the Universal Infant Free School Meals: Conditions of Grant 2019 to 2020.
27. Where the Provider is in receipt of PE and Sport Premium, the Provider will deliver the PE and Sport Premium to the requirements set out in Annex 1 to this Schedule 1 - PE and sport premium: conditions of grant 2019 to 2020 (Non maintained special school).
28. Where eligible, the Provider may receive a grant for Teachers' Pension Scheme Increased Employer Contributions, this is additional funding to support increased employer pension contributions for this Funding Year.
29. Where the Provider is in receipt of the Teachers' Pay Grant, the Provider must comply with the Teachers Pay Grant April 2019 to March 2020: Conditions of Grant.
30. In addition to the obligations set out in Clause 30, Assignment and Sub-Contracting, the Provider will adhere to the requirements set out in the Sub-Contracting Controls.
31. The Provider will deliver the Services in a way that ensures:
 - a. Value for money;
 - b. The protection of public funds;
 - c. The effective delivery of a high-quality service for High Needs Learners appropriate to their needs; and
 - d. Meets the public benefit test.

16 to 19 Education Delivery Administration

32. The Provider will submit Learner Data to the Department to comply with Clause 21, Submission of Learner Data.
33. The Provider shall submit funding claims in line with Schedule 1B, 16 to 19 Education Monitoring.
34. The Provider must keep the Department informed of any changes to their bank details.

The Department

35. The Department will pay for the Services as set out in Schedule 2, 16 to 19 Education Payments.
36. The Department will monitor the Services as set out in Schedule 1B, 16 to 19 Education Monitoring.

SCHEDULE 1B: MONITORING

16 to 19 EDUCATION MONITORING

16- to 19 Education Performance Management

1. The Department may increase funding for the Provider. The Department will award additional funding for exceptional in-year growth in line with the criteria set out in the Funding Rates and Formula Guidance.

16 to 19 Education Delivery Reconciliation

2. Payments from the Department will be reconciled to the volume of High Needs Learners supported and cash earned by the actual delivery of the Services for the period to the timetable published in the Funding Guidance. Where the Provider's actual delivery will result or has already resulted in an overpayment to the Provider by the Department, the Department reserves the right to deduct the amount owed from payments due to the Provider under the Agreement or any other Agreement between the Parties, for current or subsequent months or years accordingly.
3. Where the Provider's actual delivery has resulted in an underpayment to the Provider by the Department, the Department is under no obligation to provide additional funding or to adjust the amount due to the Provider accordingly. Any adjustment shall not exceed the overall maximum agreement value set out in Schedule 2, 16 to 19 Education Payments.
4. A review will take place at the end of the period of this Agreement in respect of the Provision specified in Schedule 1, 16 to 19 Education Specification. The Department will notify the Provider of the volume and value of the Study Programmes delivered and compare this to the total funding paid under this Agreement as specified in Schedule 2, 16 to 19 Education Payments. At this stage the Department reserves the right to conduct a final cash reconciliation. Any overpayment made to the Provider by the Department will be repayable within 30 days of receiving an invoice. The Department reserves the right to reduce future payments to recover any overpayments. The Department is under no obligation to pay any additional funding above the overall maximum agreement allocation value specified in Schedule 2, 16 to 19 Education Payments

Industry Placement: Capacity and Delivery Fund

5. The Provider will submit termly monitoring reports as set out in the Guidance for Completing the Industry Placement Capacity and Delivery Fund Monitoring Form. The ESFA may withdraw the 2019/20 Capacity and Delivery Fund allocation and recover funding paid if the monitoring form is not completed and submitted to the requirements set out in the guidance.

6. Where the Provider is in receipt of funding under the Industry Placement Capacity and Delivery Fund and fails to deliver a minimum number of Industry placements equivalent to 20% of the number of Qualifying Learners on full time level 2 and/or level 3 vocational and technical programmes in 2017 to 2018 academic year with the allocated Capacity and Delivery Fund, the Department shall be entitled to
 - a. reduce, suspend or recover, from the Provider a sum equal to the allocation for the number of Industry Placements not delivered; and/or
 - b. give consideration to the failure to meet the minimum number of Industry Placements when finalising the amount of funding to be provided in respect of the delivery of such Industry Placements in any subsequent Agreement between the Parties.
7. Where the Provider is in receipt of funding under the Industry Placement Capacity and Delivery Fund, if:
 - a. the Department, in its sole discretion, considers that the outcome of the financial health assessment and/or the Provider's financial control arrangements is inadequate, or
 - b. an Inspectorate has judged the Services delivered under this Agreement to be inadequate or not met,the Department may, in its absolute discretion, withhold any remaining profiled allocation payments of that fund, and may give consideration of any such matter when finalising the amount of funding to be provided in respect of the delivery of such Industry Placements in any subsequent Agreement between the Parties.

ANNEX 1

PE and sport premium: conditions of grant 2019 to 2020 (Non maintained special school)

Introduction

1. The primary PE and sport premium 2019 to 2020 (“the premium”) will be paid by the Department to the Provider as stated in section 14 of the Education Act 2002.
2. In accordance with Section 16 of that Act, the Department lays down the following terms and conditions on which financial assistance is given in relation to the premium payable for the academic year 2019 to 2020.
3. The premium for the 2019 to 2020 academic year is paid in 2 instalments from the Department to the Provider as follows:

Instalment	Payment Date
1	December 2019
2	April 2020

Purpose of the premium

4. The premium must be used to fund additional and sustainable improvements to the provision of PE and sport, for the benefit of primary-aged pupils, in the 2019 to 2020 academic year, to encourage the development of healthy, active lifestyles. The Department has published [information on how much PE and sport premium funding primary schools receive, and advice on how to spend it.](#)

Basis of allocation

5. Allocations for the academic year 2019 to 2020 are calculated using the number of pupils in years 1 to 6, as recorded in the January 2019 census, as follows:
 - schools with 17 or more pupils receive £16,000 plus £10 per pupil; and
 - schools with 16 or fewer pupils receive £1,000 per pupil
6. In the case of a school which has opened or is due to open during the 2019 to 2020 academic year, the above formula will apply based on pupils recorded on the autumn 2019 school census.

Terms on which the premium is allocated to schools

7. The premium must be spent by schools on making additional and sustainable improvements to the provision of PE and sport for the

benefit of all pupils to encourage the development of healthy, active lifestyles.

8. The Department does not consider the following expenditure as falling within the scope of additional or sustainable improvement:
 - employing coaches or specialist teachers to cover planning preparation and assessment (PPA) arrangements - these should come out of schools' core staffing budgets
 - teaching the minimum requirements of your existing PE curriculum
 - fund capital expenditure
9. The Provider must publish, on their website, information about their use of the premium by the end of the summer term or 31 July 2020 at the latest.
10. The Provider must publish:
 - the amount of premium received
 - a full breakdown of how it has been spent (or will be spent)
 - what impact the school has seen on pupils' PE and sport participation and attainment
 - how the improvements will be sustainable in the future
 - what percentage of pupils within their year 6 cohort for academic year 2019 to 2020 can do each of the following:
 - swim competently, confidently and proficiently over a distance of at least 25 metres
 - use a range of strokes effectively
 - perform safe self-rescue in different water-based situations
11. If selected, schools must also take part in a sampling review to scrutinise their compliance with these conditions.

Variation

12. The basis for allocation of the premium may be varied by the Department from those set out above, if requested by the academy or free school or at the discretion of the Department.

Other conditions

13. If the Provider fails to comply with the conditions set out in the paragraphs above, including but not limited to the Provider misusing the premium, the Department may require the repayment of the whole or any part of the premium paid to the Provider or the withholding of subsequent instalments of the premium.
14. This will be notified in writing to the Provider and any such sum that has been notified shall immediately become payable to the Department or withheld from future instalments of the premium.

Overpayments

15. The Department will conduct a final reconciliation on the PE and Sport Grant funding. Any overpayment made to the Provider by the Department will either be recovered by the Department reducing future payments to recover any overpayments or the Provider will repay any overpayment within 30 days of receiving an invoice.

Further information

16. The books and other documents and records relating to the recipient's accounts (for the purposes of this grant "recipient" is the academy or free school) shall be open to inspection by the Department and by the Comptroller and Auditor General.
17. The Comptroller and Auditor General may, pursuant to Section 6 of the National Audit Act 1983, carry out examinations into the economy, efficiency and effectiveness with which the recipient has used its resources in discharging its grant-aided activities.
18. The Provider shall provide such further information as may be required by the Department for the purpose of determining whether, or to what extent, it has complied with the conditions set out in this document.
19. Failure to provide this information may result in the Department requiring repayment of the whole or any part of the premium paid to the Provider, according to the method outlined in paragraph 6, or the withholding of subsequent instalments of the premium.

SCHEDULE 2: PAYMENT

16-19 EDUCATION PAYMENT

1. The Department will make the payments set out in the Funding Agreement to this Schedule.
2. All payments by the Department for these Services will be made via BACS on or before the 20th of the month.
3. Under Item 5A to Group 6 of Schedule 9 of the VAT Act 1994, the supply of education or vocational training funded by the Department and the supply by the person providing that education or vocational training, of any goods or services essential to that provision, is considered to be an exempt supply for VAT purposes. The Department is generally unable to recover any Value Added Tax charged. The maximum funding payable under this Agreement, as set out in the Funding Agreement of this Schedule is inclusive of all of the costs of the Service including, but not limited to, and any other VAT or taxes to be charged, where they apply.

Funding Agreement

4. The following Funding Agreement sets out the funding available for these Services (except where the Services are accessed by students via the SBSS).